

PATENT
#01-0367-UNI
Case #F7590(V)

Express Mail Label No.: ET 506 460 383 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Van Oorschot et al.

Deposited: February 8, 2002

For: PROCESS FOR THE PREPARATION OF ONE OR MORE STATINS BY
FERMENTATION

Edgewater, New Jersey 07020
February 8, 2002

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

With regard to the above-identified application filed concurrently herewith, please amend the following:

In the Claims:

Please enter the following amended claims:

4. (Amended) Process according to claim 1, wherein the statins producing fungus is a *Monascus* fungus.

5. (Amended) Process according to claim 1, wherein an amount of oil being at least 5 wt.% oil is present in the substrate during fermentation.

8. (Amended) Process according to claim 5, wherein the amount of oil is at least 10 wt.%.

13. (Amended) Food product according to claim 11, wherein the amount of genistein is 20-80 wt.% of the sum of the amounts of genistein and genistin.

14. (Amended) Food product according to claim 10, wherein the amount of a) is 5-500 mg/kg and the amount of b) 1 wt. or higher.

15. (Amended) Food product according to claim 14, wherein the amount of b) is 5 wt.% or higher.

16. (Amended) Food product according claim 10, wherein the food product has a Hue a* value less than 10.

17. (Amended) Food product according to claim 10, wherein the one or more compounds chosen from the group: polyunsaturated fatty acids, phytosterols, proteins, peptides, dietary fibers, polyphenols and saponins are substantially derived from soybeans.

18. (Amended) Food product according to claim 10, wherein the food product is a margarine, dressing, sweet, bar meal replacer, breakfast cereal or beverage.

REMARKS

The present amendment is submitted to eliminate multiple dependencies and to correct minor typographical errors. The amendments were not intended to and should not be construed to have been made for any reasons related to patentability of the claims.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version with Markings to Show Changes Made".

Respectfully submitted,



Gerard J. McGowan, Jr.
Reg. No. 29,412
Attorney for Applicant(s)

GJM/mt
(201) 840-2297

VERSION WITH MARKINGS TO SHOW CHANGES MADE

4. (Amended) Process according to any one of claims claim 1, wherein the statins producing fungus is a *Monascus* fungus.

5. (Amended) Process according to any one of claimsclaim 1, wherein an amount of oil being at least 5 wt.% oil is present in the substrate during fermentation.

8. (Amended) Process according to any of claimsclaim 5, wherein the amount of oil is at least 10 wt.%.

413. (Amended) Food product according to claim 11, wherein the amount of genistein is 20-80 wt.% of the sum of the amounts of genistein and genistin.

4314. (Amended) Food product according to claim 10, wherein the amount of a) is 5-500 mg/kg and the amount of b) 1 wt. or higher.

4415. (Amended) Food product according to claim 14, wherein the amount of b) is 5 wt.% or higher.

4516. (Amended) Food product according any one of claimsclaim 10, wherein the food product has a Hue a* value less than 10.

4617. (Amended) Food product according to claim 10, wherein the one or more compounds chosen from the group: polyunsaturated fatty acids, phytosterols, proteins, peptides, dietary fibers, polyphenols and saponins are substantially derived from soybeans.

4718. (Amended) Food product according to claim 10, wherein the food product is a margarine, dressing, sweet, bar meal replacer, breakfast cereal or beverage.